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Express Scripts, Inc. & Accredo Health Group, Inc.*

JOHNSON & JOHNSON HEALTH
CARE SYSTEMS INC.,

Plaintiff,

v.

SAVE ON SP, LLC,
EXPRESS SCRIPTS, INC., and
ACCREDITO HEALTH GROUP, INC.,

Defendants.

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

Civil No. 22-2632 (JKS) (CLW)

SEALING ORDER

THIS MATTER having come before the Court upon the motion of Defendants Accredo Health Group, Inc. (“Accredo”), Express Scripts, Inc. (“ESI”), and Save On SP, LLC (“SaveOn”), by and through their attorneys, seeking an order (a) permanently maintaining under seal the letters and supporting exhibits filed by the parties in connection with (i) Plaintiff’s Motion to Compel Accredo and ESI to produce filed February 4, 2025, with related briefing dated February 13, 2025 and February 20, 2025 (ECF Nos. 507, 525, & 531) attached as Exhibit A to the

Declaration of Mark A. Berman submitted in support of this motion; and the Court having considered the motion, the Court makes the following findings of fact and conclusions of law, under Local Civil Rule 5.3(c)(6):

(1) The exhibits to the PHI Motion and its related briefing contain material that is protected health information and highly sensitive, proprietary business information (“Confidential Materials”).

(2) The parties have safeguarded and protected the confidentiality of the Confidential Materials, including throughout the pendency of this action.

(3) ESI and Accredo have a strong and legitimate interest in protecting the protected health information contained in exhibits 14-18 of the PHI Motion and Exhibit 1 Appendix A of ESI and Accredo’s Opposition to JJHCS’s Motion to Compel the Production of Documents Without Redaction from being disclosed to the public. *See Rosario v. Doe*, No. CIV. 08-5185 RMB, 2013 WL 3283903, at *2-3 (D.N.J. June 25, 2013) (Bumb, J.) (sealing records containing private medical information).

(4) SaveOn has a strong and legitimate interest in protecting the protected health information and its highly sensitive, proprietary business information that is not known to the general public, contained in exhibits 11-13 and 17-20 of the PHI Motion, from being disclosed to the public. *Goldenberg v. Indel, Inc.*, 2012 WL

15909, at *3 (D.N.J. Jan. 3, 2012) (granting motion to seal “commercially sensitive and proprietary non-public business information”).

(5) No less restrictive alternative to sealing exists and ESI, Accredo, and SaveOn have proposed redactions where appropriate to minimize the amount of sealing necessary.

(6) For these reasons, good cause exists for protecting the Confidential Materials under Federal Rule of Civil Procedure 26(c)(1)(G) and Local Civil Rule 5.3(c)(2).

IT IS ON THIS __ day of _____, 2025;

ORDERED that the Confidential Materials are confidential and entitled to protection under Local Civil Rule 5.3; and it is further

ORDERED that the motion to seal is GRANTED and that Exhibits 11-20 of the PHI Motion are hereby permanently SEALED; and it is further

ORDERED that Exhibit 1 Appendix A to ESI and Accredo’s Opposition to JJHCS’s Motion to Compel the Production of Documents Without Redaction is redacted for “protected health information”; and its further

ORDERED that the Clerk of Court shall maintain the unredacted versions of the PHI Motion (ECF Nos. 507, 525 & 531); and it is further

ORDERED that ESI and Accredo are directed to file the redacted versions of the PHI Motion and relating briefing, including all exhibits, consistent with the proposed redactions submitted herewith.

HON. FRED A. L. WOLFSON (ret.)
SPECIAL MASTER